

PETITION FOR ZONING VARIANCE 85-91-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.11 to allow a front yard of 7' from property line in lieu of the required 25' & 47' from the centerline of road in lieu of the required 50'.

Section 239.2, to allow a side yard of 2' in lieu of the required 30' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Due to the interior design of the existing building and location of the State Road entrance the addition that is required to the patrons lounge can only be accomplished by a front and side yard variance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Adjoining Property: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Name _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Address _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of AUGUST, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of October, 1984, at 10:45 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arno J. Jablon
TO: Zoning Commissioner
Date: September 18, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
J & R Bros., Inc.
SUBJECT: No. 85-91-A

Assuming compliance with the comments of the Division of Current Planning and Development's representative on the Zoning Plans Advisory Committee, this office is not opposed to the granting of the subject request.

NBG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 1, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000
Nicholas B. Commodari
Chairman

Mr. Raymond V. DiPaola
J & R Brothers, Inc.
2306 York Road
Timonium, Maryland 21093

RE: Case No. 85-91-A (Item No. 22)
Petitioner - J & R Brothers, Inc.
Variance Petition

Dear Mr. DiPaola:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: E.F. Raphael & Assoc.
201 Courtland Ave.
Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

August 29, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #22 (1984-1985)
Property Owner: J & R Bros., Inc.
N/W cor. York Rd. and Landstreet Rd.
Acres: 2.5 District: 8th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

York Road (Md. 45) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The indicated existing 8-inch public sanitary sewerage is constructed within a 12-foot utility easement, one of the alleys, see Drawing #70-0486, File 1.

High View Street and Landstreet Road, if improved in the future as County roads, would be with 30-foot closed section roadways on 40 and 50-foot rights-of-way, respectively.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #22 (1984-1985)
Property Owner: J & R Bros., Inc.
Page 2
August 29, 1984

General: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Very truly yours,

GILBERT S. BENSON, P.E., Asst. Chief
Bureau of Public Services

GSB:EAM:FWR:ss

S-NE Key Sheet
56 NW 3 & 4 Pos. Sheets
NW 1 & 2 Topo
51 Tax Map

Maryland Department of Transportation
State Highway Administration

William K. Hellmuth
Secretary
Hal Kestoff
Administrator

August 3, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of July 31, 1984
ITEM: #22.
Property Owner: J & R Bros., Inc. (Turf Inn)
Location: NW/Cor. York Road and Landstreet Road
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a front yard setback of 7' in lieu of the required 25' and 47' from the c/l of road in lieu of the required 50' and to allow a side yard setback of 2' in lieu of the required 30'.
Acres: 2.5
District: 8th

Dear Mr. Jablon:

The State Highway Administration has no objection to the proposed addition, providing there are no projections beyond the proposed building line; 7' from the York Road right of way line. Any structure within this area would drastically restrict stopping sight distance at the entrance.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CLJ:JM:maw

cc: Ms. S. Carrell
Mr. J. Cgle
Mr. G. Wittman My telephone number is (301) 659-1350

Typewriter for Impaired Hearing or Speech By: John Meyers
383-7555 Baltimore Metro - 1-800-451 D.C. Metro - 1-800-492-5983 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0117

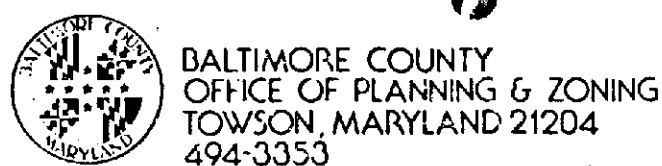
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 29th day of August, 1984.

Petitioner: J & R Brothers, Inc.
Petitioner's Attorney: _____

ARNOLD JABLON
Zoning Commissioner
Received by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee



ARNOLD JABLON
ZONING COMMISSIONER

October 2, 1984

Mr. Raymond V. DiPaola
J&R Brothers, Inc.
2306 York Road
Baltimore, MD 21093

RE: Petition for Variances
NW/cor. York and Landstreet Roads
(2306 York Road)
J&R Bros., Inc. - Petitioner
Case No. 85-91-A

Dear Mr. DiPaola:

This is to advise you that \$52.26 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 134364

DATE 10/9/84 ACCOUNT R-01-615-000

AMOUNT \$52.26

RECEIVED FROM J&R Bros., Inc.
FOR Advertising and Posting of Case No. 85-91-A

6 425*****522614 #092F

VALIDATION OR SIGNATURE OF CASHIER

E. F. RAPHEL & ASSOCIATES

Registered Professional Land Surveyors
201 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 825-3908

DESCRIPTION TO ACCOMPANY ZONING PETITION

RESIDENCE: 771-4592

TURF INN

2306 YORK ROAD

July 2, 1984

Beginning for the same at a point, said point being located at the intersection of the westernmost right of way line of York Road, (50' wide) and the northernmost right of way line of Landstreet Road, running thence on the western right of way of York Road, 1) By a curve to the right, with a radius of 17,396.78', for a distance of 11.81', 2) By a curve to the left with a radius of 76,564.36' for a distance of 217.33', thence leaving York Road and running the following 7 courses and distances: 1) S 77° 42' W 117.5'± 2) N 12° 18' W 105.73' 3) N 76° 34' W 226.00' 4) S 13° 26' W 126.00' 5) N 76° 34' W 100.00' 6) S 13° 26' W 126.00' to the north side of Landstreet Road, thence on the north side of Landstreet Road, 7) S 76° 34' E 574.25' to the place of beginning.

Containing 2.5 Acres of Land ±.

Being the property known as the Turf Inn and located at 2306 York Road.



E. F. Raphael
Reg. Prof. Land Surveyor
2246

PETITION FOR VARIANCES

8th Election District

LOCATION: Northwest corner York and Landstreet Roads
(2306 York Road)

DATE AND TIME: Monday, October 8, 1984 at 10:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a front yard setback of 7 feet, more or less, from the property line in lieu of the required 25 feet, 47 feet, more or less, from the centerline of the road in lieu of the required 50 feet and a sideyard setback of 2 feet in lieu of the required 30 feet.

Being the property of J&R Bros., Inc. as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCES * BEFORE THE
NW/cor. of York and Land- * ZONING COMMISSIONER
street Roads (2306 York * OF BALTIMORE COUNTY
Road) - 8th Election District *
J & R Bros., Inc., * Petitioner
Case No. 85-91-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a front yard setback of seven feet, more or less, from the property line instead of the required 25 feet, 47 feet, more or less, from the centerline of the road instead of the required 50 feet, and a side yard setback of two feet instead of the required 30 feet, as more fully described on Petitioner's Exhibit 1.

The Petitioner, by Manuel and Raymond DiPaola, owners of J & R Bros., Inc., appeared and were represented by Counsel. Also appearing on behalf of the Petitioner was Eugene Raphael, a registered land surveyor. There were no Protestants.

Testimony indicated that the Petitioner, trading as the Turf Inn, a restaurant and bar, wishes to expand the restaurant by adding a lobby to the present building. The 8' x 59' x 23' addition will parallel York Road. Although the site contains 2.5 acres, the restaurant is located close to York Road and the addition cannot be constructed elsewhere. The building is very close to the north side property line and no addition can be constructed there. The parking area exists to the south and new toilet and kitchen service facilities are to the rear. The front of the building faces York Road, and an obvious need for a lobby for waiting customers exists there, not elsewhere. It is important to note that there was a wider front yard until York Road was expanded and improved.

ORDER RECEIVED FOR FILING

DATE

BY

Mr. Raphael stated that, in his opinion, the conditions established by Section 307, Baltimore County Zoning Regulations (BCZR), will be satisfied. He further indicated that the proposed lobby cannot practically or physically be located anywhere else without razing the entire building.

The Petitioner requests relief from Sections 238.1 and 238.2, pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of October, 1984, that the Petition for Zoning Variances to permit a front yard setback of seven feet from the property line instead of the required 25 feet, 47 feet from the centerline of the road instead of the required 50 feet, and a side yard setback of two feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

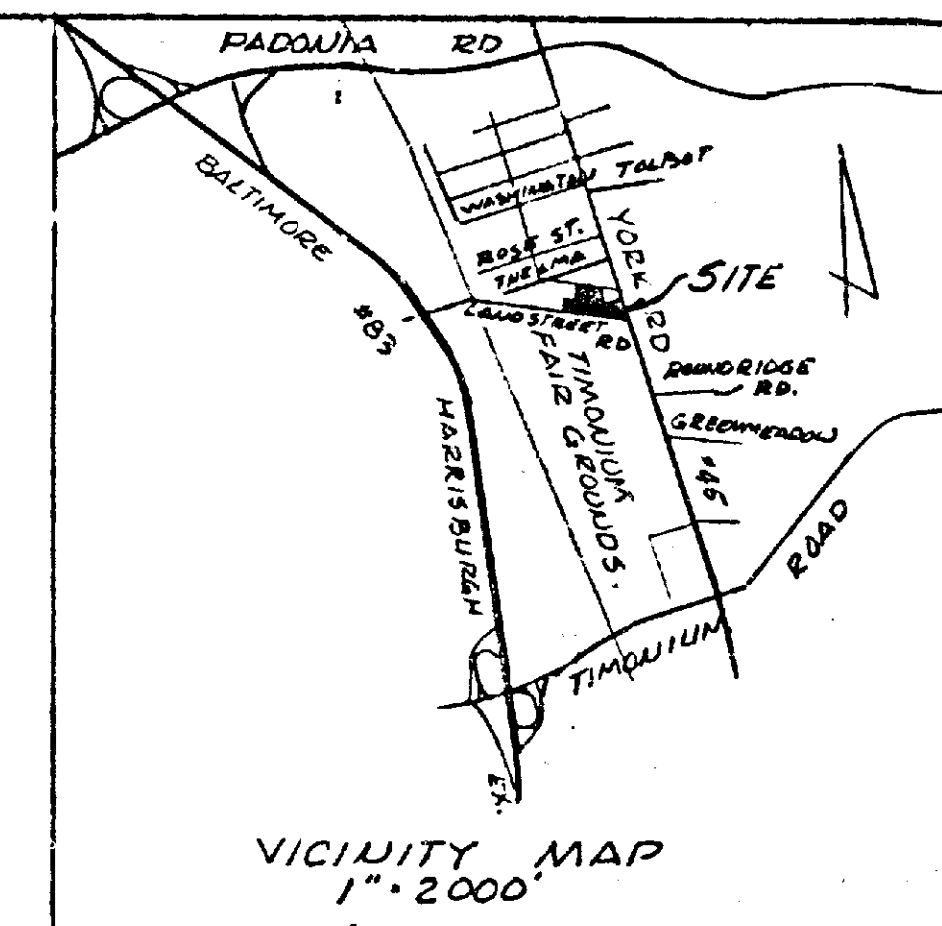
AJ/arj

cc: T. Rogers Harrison, Esquire
People's Counsel

ORDER RECEIVED FOR FILING

DATE

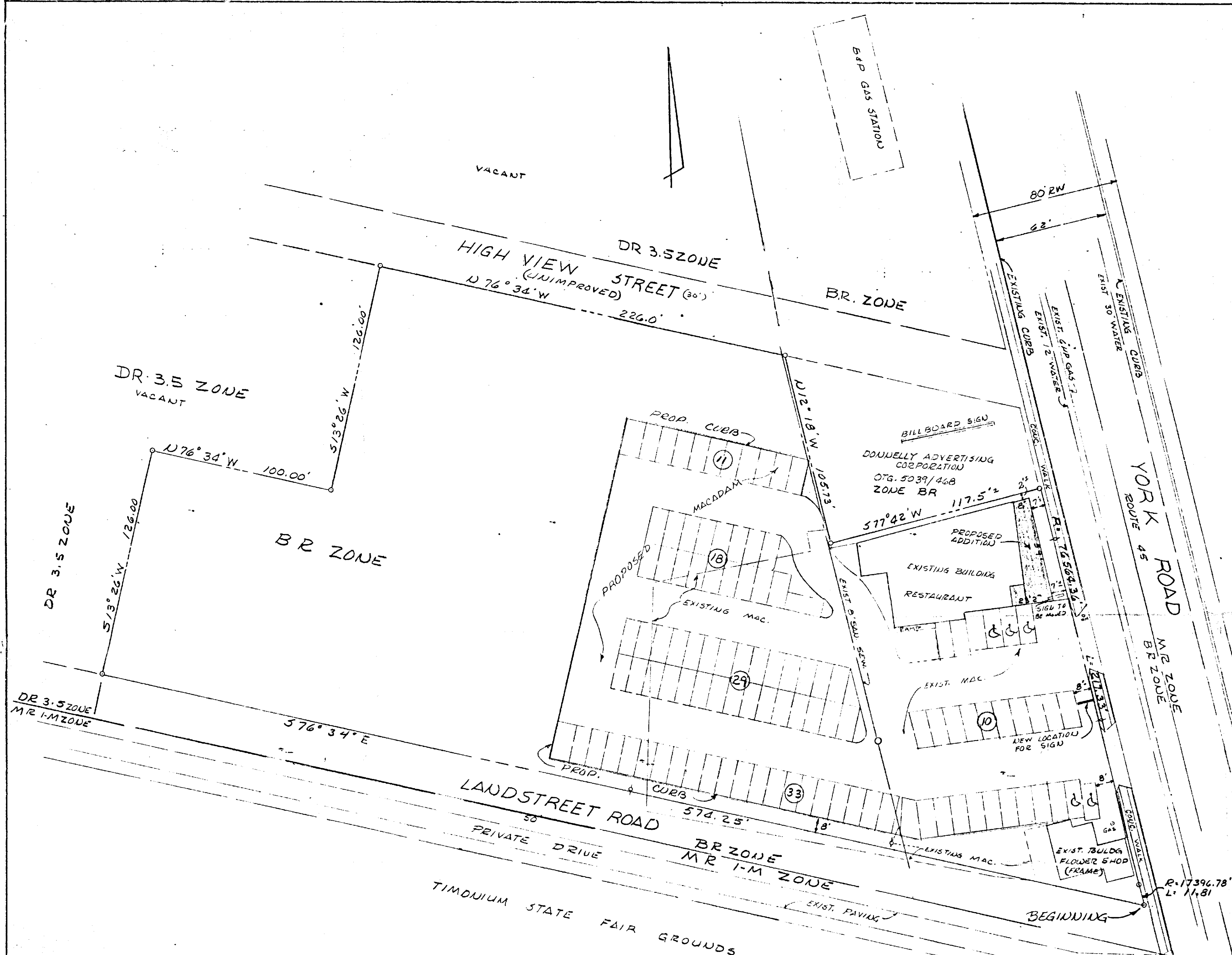
BY



GENERAL	NOTES
AREA OF PROPERTY	2.5 AC±
EXISTING USE	RESTAURANT & FLOWER SHOP
DROPOSED USE	SAME
EXISTING ZONE	BR
PROPOSED ZONE	BR / VARIANCE

PARKING DATA	
AREA OF EXISTING RESTAURANT	4155 [#]
AREA OF ADD. TO. RESTAURANT	767 [#]
	49228/50 = 99 SPACES
AREA OF FLOWER SHOP	996 [#] /200 = 5 SPACES

TOTAL SPACES REQUIRED = 104
TOTAL SPACES SHOWN 107



PETITIONER'S
EXHIBIT - 1

PLAT TO ACCOMPANY ZONING PETITION
FOR VARIANCE
TURF INN
2306 YORK ROAD

8th ELECT. DIST. BALTO. CO. MD.
SCALE 1" = 30' JUNE 18, 1984



E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
301 COURTLAND AVENUE
JACKSON, MARYLAND 21204



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 26, 1998

Richard A. Beall, A.I.A.
360 Jones Station Road
Arnold, MD 21012

Dear Mr. Beall:

RE: Spirit and Intent, Turf Inn Restaurant, 2306 York Road, Zoning Case 85-91-A, 8th
Election District

Upon review of your letter and red-lined plan regarding the above referenced
property, it is the opinion of this office that the proposed addition is within the spirit and
intent of zoning case 85-91-A and the Baltimore County Zoning Regulations. Double-
check the parking calculations; I calculate 114 required spaces, not 112.

I trust that the information set forth in this letter is sufficiently detailed and
responsive to the request. If you need further information or have any questions, please
do not hesitate to contact me at 410-887-3391.

Very truly yours,

Joseph C. Merrey
Planner II
Zoning Review

JCM:scj

Enclosure

c: zoning case 85-91-A

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060321

DATE 10/22/98 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JCM)

RECEIVED FROM: Richard L Beall Inc

FOR: VERIFICATION #98-4355

2306 York Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
10/23/1998 10/22/1998 14:44:26
RIG 4595 CASHIER LSW LYS DAWER 5
5 MISCELLANEOUS CASH RECEIPT
Receipt # 079915 OFLN
CH NO. 060321

40.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION



RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER

Arnold Jablon Director
Office of Permits &
Development Management
111 Chesapeake Avenue, Room 115
Towson, Maryland 21204

October 14, 1998

Re: Turf Inn Restaurant, 2306 York Road

Dear Mr. Jablon:

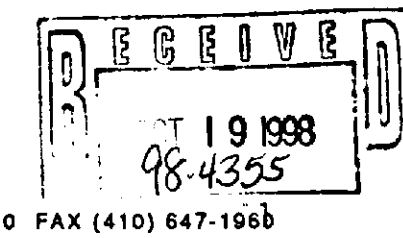
J.R. Brothers, Inc. is the owner of the property known as 2306 York Road in
Baltimore County. The Turf Inn Restaurant is located on this property and my company
has been retained to help facilitate planned improvements to this restaurant site. The
proposed improvements will include an addition, landscaping and exterior facade
enhancements. I have provided the following zoning history for your, convenience and
review, of the referenced property.

In Case no. 85-91A, a petition for Zoning Variance was filed and subsequently
granted on October 10, 1984 allowing for a front yard setback of 7 feet from the property
in lieu of the required 25 feet, 47 feet from the centerline of the road in lieu of the
required 50 feet and a sideyard of 2 feet in lieu of the required 30 feet. The variances
allowed for the construction of an addition to the front of the restaurant located along
York Road.

In Case # S6-520-XA, a petition for Special Exception for two illuminated
advertising structures and a petition for Zoning Variance to permit a front yard setback of
3 feet in lieu of the required 25 feet and a distance of 25 feet to the street intersection in
lieu of the required 50 feet were granted on June 30, 1986. An extension to these
approvals was also granted on October 4, 1998 in Case No. 89-88-SH

The referenced restaurant has existed for more than 20 years and my client would
now like to remove the existing outside covered deck and replace same with a new
addition shown on the enclosed relined plans. The proposed addition is located within the
setbacks as previously approved and no additional variances are necessary. The red-lined
plan, attached hereto, clearly documents the existing site and structures and the proposed
improvements.

Accordingly, on behalf of J.R. Brothers, Inc., I request the red-lined plan with the
proposed improvements be approved by your office in accordance with the Spirit and
intent of the previously cited zoning cases for this site and the Baltimore County Zoning
Regulations. I have enclosed the required fee of \$40.00



360 JONES STATION ROAD, ARNOLD, MARYLAND 21012 (410) 544-2010 FAX (410) 647-1966

page two, Arnold Jablon, Director

Your consideration is greatly Appreciated.

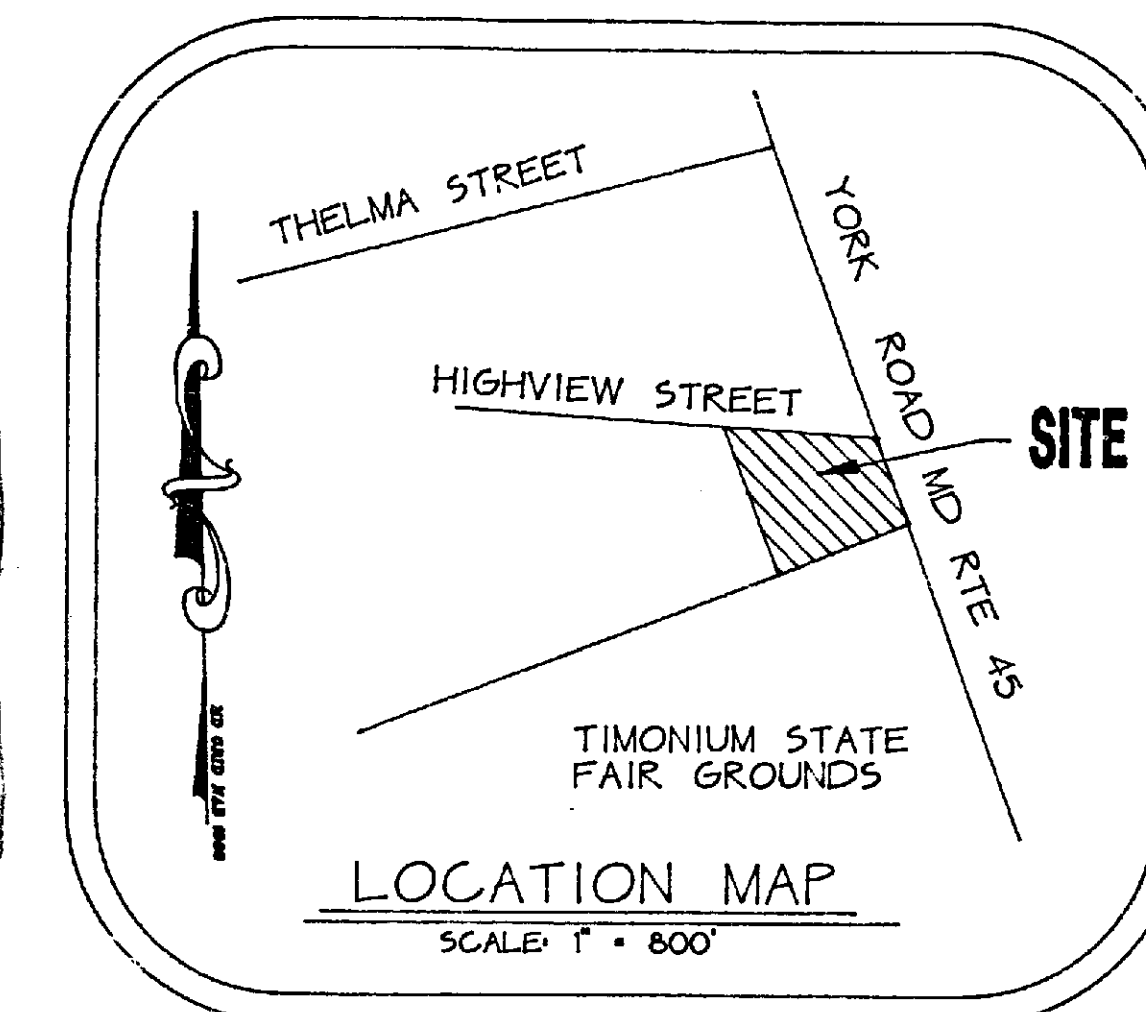
Sincerely,

Richard L. Beall, A.I.A.

jb

BR

HIGHVIEW STREET
50' R/W



SITE INFORMATION

PROPERTY OWNER : J.R. BROS., INC. - S.M. 8743/696, S.M. 8562/489
2306 YORK ROAD
TIMONIUM, MARYLAND 21093

TAX I.D.# 21-00-002944 8TH ELEC. DIST., 7TH PRECINCT

EXISTING BUILDING AREA = 4,922 S.F.
PROPOSED BUILDING AREA = 7,028 S.F.

PARKING REQUIREMENTS: 16 SPACES PER 1000 SF. OF FLOOR AREA

PARKING REQUIRED • 7 X 16 • 112 SPACES

PARKING PROVIDED PER PLAN - 114 SPACES INCLUDING 5 HANDICAPPED

TOTAL SITE AREA = 50.025 S.F.

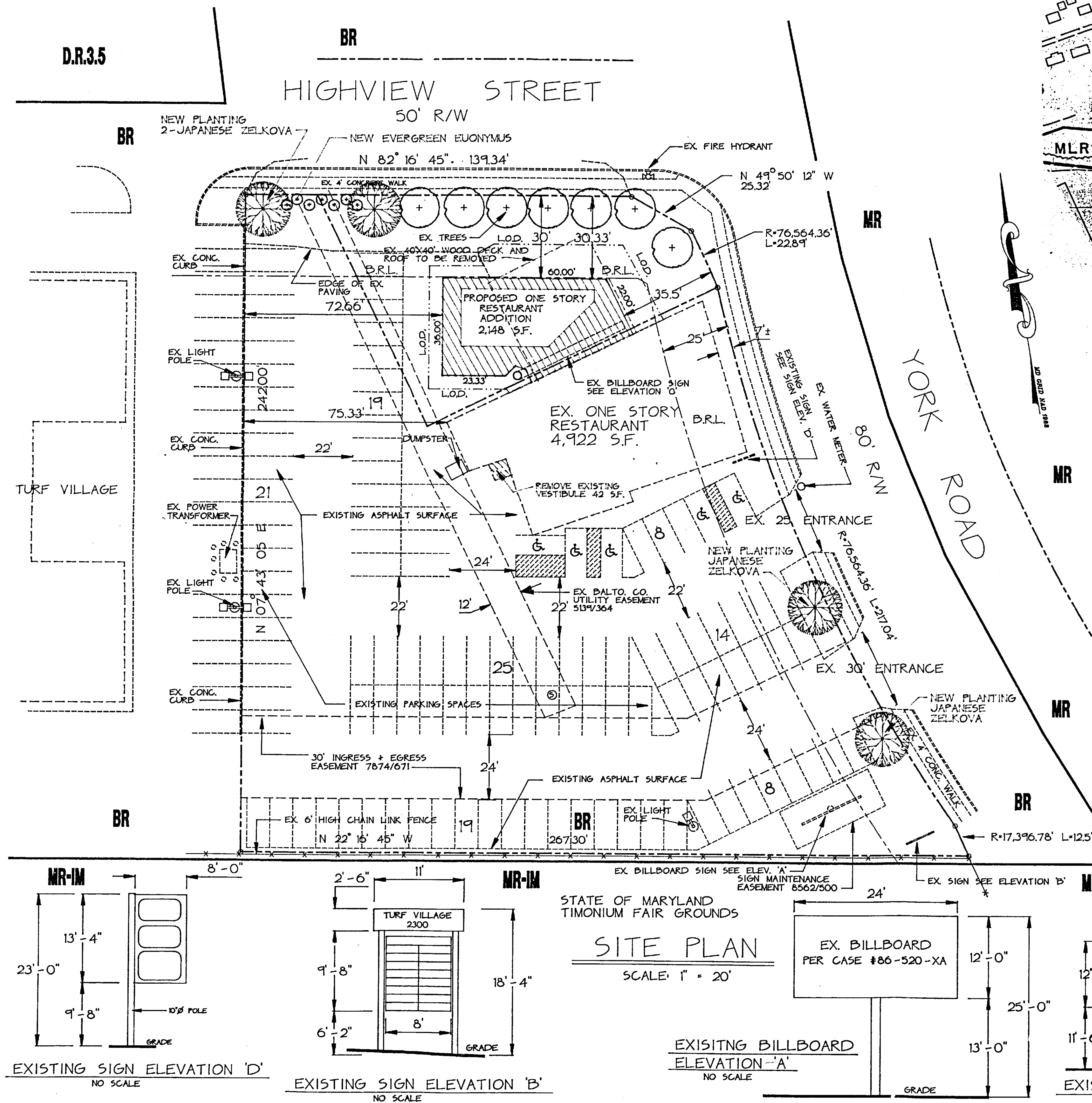
TOTAL AREA OF SITE TO BE DISTURBED BY CONSTRUCTION = 3,532 S.F.
SITE SERVED BY PUBLIC WATER AND SEWER

PRIOR ZONING HISTORY

CASE NO. 85-91-A. A PETITION FOR ZONING VARIANCE WAS FILLED AND SUBSEQUENTLY GRANTED ON OCTOBER 10, 1984 ALLOWING FOR A FRONT YARD SETBACK OF 30 FEET FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 47 FEET. THE SETBACK LINE OF THE ROAD IN LIEU OF THE REQUIRED 50 FEET AND A SIDEYARD SETBACK OF 30 FEET IN LIEU OF THE REQUIRED 30 FEET. THE VARIANCE ALLOWED AN ADDITION TO THE FRONT OF THE RESTUARANT LOCATED ALONG YORK ROAD.

CASE NO. 86-520-XA, A PETITION FOR SPECIAL EXCEPTION FOR TWO ILLUMINATED ADVERTISING STRUCTURES AND A PETITION FOR ZONING VARIANCE TO PERMIT A FRONT YARD SETBACK OF 3 FEET IN LIEU OF THE REQUIRED 25 FEET AND A DISTANCE OF 25 FEET TO THE STREET INTERSECTION IN LIEU OF THE REQUIRED 50 FEET WERE GRANTED ON JUNE 30, 1986. AN EXTENSION TO THESE APPROVALS WAS GRANTED ON OCTOBER 4, 1988 IN CASE NO. 89-88-5PH.

"I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 7975A, EXPIRATION DATE 1-15-00"



RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER
360 JONES STATION ROAD, ARNOLD, MARYLAND 21012 (410) 544-2010

PROPOSED
DAMON'S RESTAURANT
FORMERLY
THE TURF INN
2306 YORK ROAD
TIMONIUM, MARYLAND 21093

NO.	REVISIONS	BY	APP	DATE	JGB. NO.	DRAWING NO. C-1
					DATE: 10-12-98	
					SHEET 1 OF 1	